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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/198,067	11/28/1998	MICHAEL PRINCE	1400.9800940	2061

25697 7590 10/23/2003

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EXAMINER

NGUYEN, STEVEN H D

ART UNIT	PAPER NUMBER
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2665

DATE MAILED; 10/23/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/198,067

Applicant(s)

PRINCE ET AL.

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11,12,20 and 21 is/are allowed.
- 6) ☒ Claim(s) 1,5-10,13 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 14-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 5-10, 13 and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Han (USP 6222844).

Regarding claims 1, 9, 13 and 18, Han discloses (Fig 1-10 and col. 1, lines 8 to col. 14, lines 65) an adaptive service interworking (Fig 1, Ref 3) comprising the steps of in response to receive a setup message for identifying a receiving party which is coupled to the endpoint switch from a sending party, obtaining connection information of an end point network switch (Fig 8, Ref S210 receives a PVC connection between the source and destination); interpreting the connection information to determine whether the endpoint switch is capable of supporting a transparent link between the sending and receiving party and when the endpoint switch supports the transparent link, supporting the transparent link between the receiving and sending party (Fig 8, Ref 205-207, the

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interworking unit determines if the destination side support a transparent or translation mode; if the destination side support a transparent mode, the interworking unit will established a transparent link; it is inherently discloses in FR/ATM interworking unit based on the agreement in FRF.8 based on the upper layer protocol which is registered in the database is transparent mode).

Regarding claims 5-6, Han discloses the connection information comprising at least one of a data transport protocol and a network switch type (Fig 3c, Ref OMCM is a database which stores a network switch type for supporting transparent link and ATM protocol such as D_ULPT) wherein the network switch type can be used to process the enhanced traffic description (Fig 3c, traffic description such PCR).

Regarding claim 7, Han discloses the receiving party is a user (Fig 5, subscriber).

Regarding claims 8 and 17, Han inherently discloses the service interworking being default to translation if the endpoint network does not support transparent link (if the transparent link is not support or can not be established, the translation link must be established because the interworking unit will retrieve the information in the data base if the transparent or translation connection must be established).

Regarding claims 10 and 19, Han inherently disclose extracting an enhanced traffic descriptor which identifies the data transport protocol from the setup message to determine if the receiving party supports the data transport protocol of sending party in order to establish a transparent link between the users (the interworking unit of Fig 1 and Ref 3 must extract protocol identifier in order to recognize if the destination interworking unit supports this protocol or not).

Response to Arguments

3. Applicant's arguments filed 8/7/2003 have been fully considered but they are not persuasive.

In response to pages 1-2, the applicant states that Han fails to disclose a step of obtaining connection information of the end point network switch ... the end-point switch and interpreting if the connection information to identify if the switch of receiving party is capable support transparent link or not (1) and the connection information comprising at least one of data transport protocol and a network switch type and traffic descriptor. In reply, With respect (1), Han discloses in Figs 5-7, the subscribers register with network; the connection information is stored in the database when the interworking of the switch receive a call setup for established a PVC between the endpoint of the switches, step 210 and Fig 1, the interworking unit must obtain the connection information of the destination switch in order to send a setup message to destination switch and determining the connection information is transparent or translation connection; if the connection is transparent then establishing a transparent link; See Figs 8-10 and col. 7, lines 26-30 as set forth in claims 1, 9, 13 and 18. With respect (2), Han discloses the connection parameters comprising at least one of the upper layer protocol "read on data transport protocol" and switch type and traffic descriptor "read on PCR, Be, Bc, CIR" as set forth in claims 5 and 6.

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Allowable Subject Matter

4. Claims 11-12 and 20-21 are allowed.
5. Claims 2-4 and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

A handwritten signature in black ink, appearing to be 'SHN', with a long horizontal line extending to the right.

Steven HD Nguyen
Primary Examiner
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October 10, 2003